IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO: 12357 of 2005**

Between:

B.Sureshchandra Babu, S/o.B.C.Ramaiah,
Secretary & Correspondent B.R.C.High School,
Aminabad, Phirangipuram Mandal, Guntur District.

**..... PETITIONER**

AND

1 Govt. of A.P., School Education Department, rep.by its Prl.secretary to

Govt., Secretariat, Hyderabad.
2 Commissioner & Director of School Education, Andhra Pradesh,

Hyderabad.
3 Regional Joint Director of School Education, Guntur,Guntur Dist.
4 District Educational officer, Guntur District, Guntur.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ order or direction, declaring that Memo.No.12080/COSE/A2/2004-4 dated 20-10-2004 issued by the 1st respondent is not application to the institution under his management as the entire selection has already been completed prior to the issuance of the said Memo and also declare the action of the respondents in not approving the proposal forwarded by the 4th respondent in proceedings Rc.No.10881/B2/2002, dated 8-9-2004 to the 3rd respondent as illegal and arbitrary and consequently direct the respondent to approve the proposal forwarded by the 4th respondent in proceedings Rc.No.10881/B2/2002, dated 8-9-2004 to the 3rd respondent.

**Counsel for the Petitioner: MR.N.SUBBA RAO**

**Counsel for the Respondents: GP FOR SCHOOL EDUCATION**

**The Court at the stage of admission made the following:**

**ORDER:**

This writ petition is filed by the petitioner-educational institution aggrieved by the inaction of the respondents 1 to 3. Even as per the approval granted by the Government, the selection process had already been undertaken and the names were even sent for approval by the petitioner to the 4th respondent and in turn the 4th respondent has also forwarded the same to the 3rd respondent by proceedings dated 08-09-2004. Thereafter, the 3rd respondent did not take any further action either approving by himself or forwarding the same to the other respondents, if required, to pass appropriate orders.

**2.** According to the petitioner, certain vacancies such as Telugu Pandit Grade-I, B.Ed., Assistant and one PET and another SGT had arisen, and therefore, the petitioner sought for permission of the respondents for filling up those vacancies. The necessary approval has been granted to the petitioner and even the other required formalities have been completed, and accordingly the petitioner selected three candidates for three posts, except the SGT, which is reserved for Schedule Castes-A/B-Woman. The names were sent for approval, so that they can be appointed and the proposal received by the 4th respondent in turn forwarded by his proceedings dated 08-09-2004 to the 3rd respondent. However, the third respondent did not take further steps on the proposals, perhaps under the impression that there was a ban on recruitment of the teachers in view of the orders of the first respondent dated 20-10-2004. But this view has been clarified by this Court in number of writ petitions where approval has been given prior to the said date for filling up the vacancies, the general ban would not be applicable, and therefore, it is for the respondents to

approve the selection of the candidates for filling up the posts with reference to the approvals granted prior to the orders dated 20-10-2004.

**3.** In the present case, admittedly, it is not in dispute that sanctions were granted prior to the said date of ban i.e., 20-10-2004 and in fact even the approved candidates' names were forwarded by the 4th respondent by his proceedings dated 08-09-2004 to the 3rd respondent and thereafter it is the third respondent, who failed to take any further action.

**4.** In the above circumstances, the respondents are directed to take appropriate decision with reference to the proceedings forwarded by the 4th respondent to the 3rd respondent by his proceedings dated 08-09-2004 and pass appropriate orders. It is also further made clear that if the third respondent is not competent to sanction the approval of the selected candidates, he can forward the said list with his recommendations with a request for the appropriate orders by the competent authority, and if such proceedings are forwarded by the third respondent, the other competent authority is directed to pass appropriate orders within a period of four weeks from the date of receipt of such communications. If the 3rd respondent is competent to approve the list, he has to pass such orders expeditiously, preferably, within a period of four weeks from the date of receipt of a copy of this order.

**5.** Accordingly, the Writ petition is disposed of. No order as to costs.

_____

S.ANANDA REDDY, J

13th June, 2005

**Note:**

-

Furnish C.C. within one week.

B/o.

SKM

To

1 The Prl.Secretary to Govt., Govt. of A.P., School Education

Department, Secretariat, Hyderabad.
2 Commissioner & Director of School Education, Andhra Pradesh,

Hyderabad.
3 Regional Joint Director of School Education, Guntur,Guntur Dist.
4 District Educational officer, Guntur District, Guntur.

5 Two C.Cs. to G.P. for School Education,

High Court Buildings, High Court of A.P., Hyderabad (OUT)

6 2 CD copies

*Form-NIC-OGS/WP{**TRR**}*